

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Clean Water Act as amended, (33 U.S.C. §§1251 et seq.; the "CWA"), and the Massachusetts Clean Waters Act, as amended, (M.G.L. Chap. 21, §§26-53),

Brox Industries, Inc.
1471 Methuen Street
Dracut, MA 01826

is authorized to discharge from the facility located at

Brox Industries, Inc.
1480 Methuen Street
Dracut, MA 01826

to receiving water named: wetland to un-named brook to Merrimack River (Merrimack River Basin - 84).

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective **30 days from the date of signature.**

This permit and the authorization to discharge **expire at midnight, September 30, 2006.**

This is a new permit.

This permit consists of 6 pages in Part I including effluent limitations, monitoring requirements, 35 pages in Part II including General Conditions and Definitions.

Signed this 3rd day of September, 2003

SIGNATURE ON FILE

Linda M. Murphy, Director
Office of Ecosystem Protection
Environmental Protection Agency
Boston, MA

Glenn Haas, Director
Division of Watershed Management
Department of Environmental Protection
Commonwealth of Massachusetts
Boston, MA

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge **aggregate washing, mine de-watering and stormwater** from outfall serial number **003**. Such discharge shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitation</u>				<u>Monitoring Requirement</u> ⁴	
	<u>Average Monthly</u>	<u>Maximum Daily</u>	<u>Average Monthly</u>	<u>Maximum Daily</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow (gpm)	*****	*****	Report	1100	Continuous	Recorder
TSS (mg/l)	*****	*****	25	45	1 /Week	Grab
pH ^{1,2} (s.u)	(See footnote 2 on page 3)				1 /Week	Grab
Turbidity (NTU)	*****	*****	*****	25	1/Month	Grab
Oil and Grease (mg/l)	*****	*****	*****	15	1/Month	Grab
Ammonia as Nitrogen (mg/l)	*****	*****	*****	Report	1/ Month	Composite ³
Nitrate (mg/l)	*****	*****	*****	Report	1/ Month	Composite ³
Nitrite (mg/l)	*****	*****	*****	Report	1/ Month	Composite ³
Total Kjeldahl Nitrogen (mg/l)	*****	*****	*****	Report	1/ Month	Composite ³

Limits are in effect year round.

Samples taken in compliance with the monitoring requirements specified above shall be taken before the discharge enters the wetland.

Footnotes:

1. Required for State Certification.
2. The pH of the effluent shall not be less than 6.5 nor greater than 8.3 at any time, unless these values are exceeded due to natural causes or as a result of the approved treatment processes.
3. Composite sample will consist of at least one per hour with a minimum of four (4) grab samples during a working day.
4. In addition to the sampling required in Part I.A.1, the permittee shall sample once per quarter for TSS and turbidity within twenty (24) hours following a storm event. The storm event shall be greater than 0.1 inches in magnitude and be at least 72 hours from the previous measurable (greater than 0.1 inch rainfall) storm event. The results from these samples shall be reported separately on the discharge monitoring reports and identified as "During Storm Event".

Part I.A.1. Conditions for Outfalls 001

- a. The discharge shall not cause a violation of the water quality standards of the receiving waters.
- b. There shall be no discharge of oil and grease from the intake pump.
- c. The discharge shall not cause objectionable discoloration of the receiving waters.
- d. The effluent shall contain neither a visible oil sheen, foam, nor floating solids at any time.
- e. The results of sampling for any parameter above its required frequency must also be reported, in accordance with 40 CFR § 122.41(l)(4)(ii).

I.A.2.

This permit shall be modified, or revoked and reissued to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act, if the effluent standard or limitation so issued or approved:

- (1) contains different conditions or is otherwise more stringent than any effluent limitation in this permit; or
- (2) controls any pollutant not limited by this permit.

If the permit is modified or reissued, it shall be revised to reflect all currently applicable requirements of the Act.

I.A.3.

All existing manufacturing, commercial, mining, and silvi-cultural dischargers must notify the Director as soon as they know or have reason to believe (40 CFR 122.42):

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following “Notification levels”:
 - (1) One hundred micrograms per liter (100 ug/l);
 - (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR §122.21(g)(7); or
 - (4) Any other notification level established by the Director in accordance with 40 CFR §122.44(f).
- b. That any activity has occurred or will occur which would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following “notification levels”:
 - (1) Five hundred micrograms per liter (500 ug/l);
 - (2) One milligram per liter (1 mg/l) for antimony;
 - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR §122.21(g)(7); or
 - (4) Any other notification level established by the Director in accordance with 40 CFR §122.44(f).
- c. That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application.

I.A.4. Toxics Control

- a. The permittee shall not discharge any pollutant or combination of pollutants in toxic amounts.
- b. Any toxic components of the effluent shall not result in any demonstrable harm to aquatic life or violate any state or federal water quality standard which has been or may be promulgated. Upon promulgation of any such standard, this permit may be revised or amended in accordance with such standards.

I.A.5. Numerical Effluent Limitations for Toxicants

EPA or DEP may use the results of the toxicity tests and chemical analyses conducted pursuant to this permit, as well as national water quality criteria developed pursuant to Section 304(a)(1) of the Clean Water Act (CWA), state water quality criteria, and any other appropriate information or data, to develop numerical effluent limitations for any pollutants, including but not limited to those pollutants listed in Appendix D of 40 CFR Part 122.

B. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

By the effective date of this permit, the permittee shall have developed and implemented a SWPPP for the areas discharging through outfall 003, which meets the SWPPP requirements of Sector J, - Mineral Mining and Dressing of the MSGP, issued by EPA on October 30, 2000. (See 6.J.6 and Part 4 of the MSGP)

C. UNAUTHORIZED DISCHARGES

This permit authorizes the permittee to discharge only in accordance with the terms and conditions of this permit and only from outfall listed in Part I A.. of this permit. Discharges of wastewater from any other point sources which are not authorized by this permit or other NPDES permits and shall be reported in accordance with Section D.1.e. (1) of the General Requirements of this permit (Twenty-four hour reporting).

D. MONITORING AND REPORTING

1. Reporting

Monitoring results obtained during each calendar month shall be summarized and reported on Discharge Monitoring Report Form(s) postmarked **no later than the 15th day of the following month.**

Signed and dated originals of these, and all other reports required herein, shall be submitted to the Director and the State at the following addresses:

Environmental Protection Agency
Water Technical Unit (SEW)
P.O. Box 8127
Boston, Massachusetts 02114

Massachusetts Department of Environmental Protection
Bureau of Waste Prevention
Northeast Regional Office
1 Winter Street
Boston, MA 02108

In addition, copies of all Discharge Monitoring Reports required by this permit shall also be submitted to the State at following address:

Massachusetts Department of Environmental Protection
Division of Watershed Management
Surface Water Discharge Permit Program
627 Main Street, 2nd Floor
Worcester, MA 01608

D. STATE PERMIT CONDITIONS

This Discharge Permit is issued jointly by the U. S. Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (DEP) under Federal and State law, respectively. As such, all the terms and conditions of this permit are hereby incorporated into and constitute a discharge permit issued by the Commissioner of the MA DEP pursuant to M.G.L. Chap.21, §43.

Each Agency shall have the independent right to enforce the terms and conditions of this Permit. Any modification, suspension or revocation of this Permit shall be effective only with respect to the Agency taking such action, and shall not affect the validity or status of this Permit as issued by the other Agency, unless and until each Agency has concurred in writing with such modification, suspension or revocation. In the event any portion of this Permit is declared invalid, illegal or otherwise issued in violation of State law, such permit shall remain in full force and effect under Federal law as an NPDES Permit issued by the U.S. Environmental Protection Agency. In the event this Permit is declared invalid, illegal or otherwise issued in violation of Federal law, this Permit shall remain in full force and effect under State law as a Permit issued by the Commonwealth of Massachusetts.